

EXHIBIT 1

L A W S

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1849,

IN THE

SEVENTY-THIRD YEAR OF INDEPENDENCE.

WITH

AN APPENDIX.



PUBLISHED BY AUTHORITY.

HARRISBURG, PA.

J. M. G. LESCURE, PRINTER TO THE STATE.

1849.

EXHIBIT

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WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 76.

AN ACT

Regulating railroad companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever a special act of the general assembly shall hereafter be passed, Commissioners. authorizing the incorporation of a company for the construction of a railroad within this commonwealth, the commissioners named in such act, or any five of them, shall have power to open books for receiving Subscriptions. subscriptions to the capital stock of such company, at such time or times, and at such place or places as they may deem expedient, after having given at least twenty days' notice, in one or more newspapers, published in the county where books of subscription are to be opened; and at the times and places so designated and named in the public notices to be given, as aforesaid, the said commissioners, or any two of them, shall attend and furnish to all persons duly qualified, who shall offer to subscribe, an opportunity of so doing; and it shall be lawful for all such persons, and for all firms and co-partnerships, by themselves Who may subscribe. or by persons duly authorized, to subscribe for shares in said stock; and the said books shall be kept open at least six hours in every day, for the term of three juridical days, or until there shall have been subscribed the whole number of shares authorized by the special act; and if at the expiration of three days, the books aforesaid shall not have the number of shares therein subscribed, the said commissioners may adjourn from time to time, and to such places as they may deem proper, until the whole number of shares authorized, as aforesaid, shall be subscribed, of which adjournment the commissioners aforesaid, shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, the books shall be closed: *Provided always,* Proviso. That no subscription for such stock shall be valid unless the party or parties making the same, shall, at the time of subscribing, pay to the

FLVANIA,

ys, and bridges," passed June and thirty-six, as relates to the 1 townships of this common- ed in the township of Upper 'rovided, That nothing herein ize the supervisors, a clerk, he expense of the said town- ; the necessary assistance in aid township, by special con- st advantageous to the interest

of said township, are hereby ship election, in March, one ee supervisors, one of whom ne three years; and annually term of three years, two of

itled "An act granting certain Lancaster and Philadelphia, h day of April, one thousand to the roads and highways l other acts and supplements , are hereby declared not to , in the county of Delaware.

LIAM F. PACKER,
House of Representatives.

ORGE DARSIE,
Speaker of the Senate.

ruary, one thousand eight

WM. F. JOHNSTON.

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bio and Pennsylvania railroad and eight hundred and forty-

nd House of Representa- ia in General Assembly ority of the same, That ible, the evils of tranship- ther, and to prevent their ylvania railroad company, the width of the track of

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said commissioners five dollars on each and every share subscribed, for the use of the company.

Letters patent.

Incorporate.
Style.
Privileges.

By-laws.

Proviso.

Proviso.

Organization.

Officers.

SECTION 2. That when ten per centum on the capital stock, as provided by any special act of incorporation, shall have been subscribed, and five dollars paid on each and every share, as aforesaid, the said commissioners, or such of them as shall have acted, shall certify to the governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and that five dollars on each share have been paid, whereupon the governor shall, by letters patent, under his hand and the seal of the commonwealth, create and constitute the subscribers, and if the subscription be not full at the time, those who shall thereafter subscribe to the number of shares aforesaid, their successors and assigns, into a body politic and corporate, in deed and in law, by the name, style, and title, designated by the special act of assembly; and by the said name, style, and title, the said subscribers shall have perpetual succession, with all the privileges, franchises, and immunities incident to a corporation, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold, use, and enjoy to them and their successors, goods, chattels, and estate, real and personal, of what kind and nature soever, and the same from time to time, to sell, exchange, mortgage, grant, alien, or otherwise dispose of, and to make dividends of such portion of the profits as they may deem proper; and also to make and have a common seal, and the same to alter and renew at pleasure, and also to ordain, establish, and put in execution, such by-laws, ordinances, and regulations as shall appear necessary or convenient for the government of said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of said corporation, and the due ordering and management of the affairs thereof: *Provided*, That nothing herein contained shall be construed as in any way giving, to such corporation, any banking privileges whatever, or any other liberties, privileges, or franchises but such as may be necessary or convenient to the procuring, owning, making, maintaining, regulating, and using their railroad, the locomotives, machinery, cars, and other appendages thereof, and the conveyance of passengers, the transportation of goods, merchandize, and other commodities thereon: *And provided further*, That such company shall not purchase or hold any real estate, except such as may be necessary or convenient for the making and constructing of their railroad, or for the furnishing of materials therefor, and for the accommodation of depots, offices, warehouses, machine shops, toll houses, engine and water stations, and other appropriate appurtenances, and for the persons and things employed, or used in and about the same.

SECTION 3. That the commissioners named as aforesaid, or such of them as shall have acted, shall as soon as conveniently may be after the said letters patent shall be obtained, appoint a time and place for the subscribers to meet, to organize the company, and shall give at least two weeks' notice thereof in the manner provided for in the first section of this act; and the said subscribers, when met, shall elect, by a majority of the votes present, to be given in person or by proxy, a president and twelve directors, the president and a majority of whom shall be resident citizens of this commonwealth, and shall be owners respectively of at least three shares in the stock of such company; and the said president and directors shall conduct and manage the affairs and business of said company, until the second Monday in January then next ensuing, and until others are chosen; and may make, ordain and establish such

by-laws, rules, orders and regulations and things as are by this act authorized, resignation, death, or removal of a majority of votes, supply the vacancies.

SECTION 4. That the stockholders the second Monday in January in each year, or at any other time fixed on by the by-laws, of which weeks previously by the secretary, choose, by a majority of the votes of the stockholders qualified as aforesaid, for the office until the next annual election, an annual meeting the said stockholders to make, alter or repeal, by a majority of votes, the by-laws, rules, orders and regulations, every other corporate act authorized by the by-laws, and may meet at such other times and places as may be prescribed by the by-law in writing of any number of stockholders, in interest, shall call a special meeting, stating specifically the objects of the meeting, and no other, shall be held.

SECTION 5. The elections for directors shall be conducted as follows, to wit: at the first annual meeting, the stockholders shall appoint three stockholders to hold the same; and at every subsequent annual meeting, the stockholders, at the time being, shall appoint three stockholders to hold the same; and the persons so appointed by said corporation shall be eligible to an election as a director, and shall take and subscribe an oath or affirmation of the peace, well and truly to do, and to support the constitution of the United States, and the laws of this commonwealth, and to the best of their knowledge and belief, to promote the interests of the corporation, and to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of said corporation, and the due ordering and management of the affairs thereof: *Provided*, That nothing herein contained shall be construed as in any way giving, to such corporation, any banking privileges whatever, or any other liberties, privileges, or franchises but such as may be necessary or convenient to the procuring, owning, making, maintaining, regulating, and using their railroad, the locomotives, machinery, cars, and other appendages thereof, and the conveyance of passengers, the transportation of goods, merchandize, and other commodities thereon: *And provided further*, That such company shall not purchase or hold any real estate, except such as may be necessary or convenient for the making and constructing of their railroad, or for the furnishing of materials therefor, and for the accommodation of depots, offices, warehouses, machine shops, toll houses, engine and water stations, and other appropriate appurtenances, and for the persons and things employed, or used in and about the same.

SECTION 6. That the president and the directors, at any such election or general meeting, shall be authorized to exercise the powers granted to the corporation; and the places as shall be by them deemed most

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by-laws, rules, orders and regulations, and perform such other matters and things as are by this act authorized: *Provided*, That in case of the resignation, death, or removal of the president, the directors shall, by a majority of votes, supply the vacancy until the next annual election. *Proviso.*

SECTION 4. That the stockholders of such company shall meet on the second Monday in January in every year, at such place as may be fixed on by the by-laws, of which notice shall be given at least two weeks previously by the secretary, in the manner before mentioned, and choose, by a majority of the votes present, a president and twelve directors qualified as aforesaid, for the ensuing year, who shall continue in office until the next annual election, and until others are chosen; at which annual meeting the said stockholders shall have full power and authority to make, alter or repeal, by a majority of votes given, any or all such by-laws, rules, orders and regulations as aforesaid, and do and perform every other corporate act authorized by their charter: the stockholders may meet at such other times and places as they be summoned by the president and directors, in such manner and form, and giving such notice as may be prescribed by the by-laws; and the president, on the request in writing of any number of stockholders representing not less than one-tenth in interest, shall call a special meeting, giving the like notice, and stating specifically the objects of the meeting; and the objects stated in such notice, and no other, shall be acted on at such special meeting. *Annual meeting.* *Special meeting.*

SECTION 5. The elections for directors provided for in this act, shall be conducted as follows, to wit: at the first election the commissioners shall appoint three stockholders to be judges of the said election, and to hold the same; and at every succeeding election the directors, for the time being, shall appoint three stockholders for the like purpose; and the persons so appointed by said commissioners and directors, shall not be eligible to an election as a director at said election, and shall respectively take and subscribe an oath or affirmation, before an alderman or justice of the peace, well and truly and according to law, to conduct such election to the best of their knowledge and ability; and the said judges shall decide upon the qualifications of voters, and when the election is closed, shall count the votes, and declare who have been elected; and if at any time it shall happen that an election of directors shall not be made at the time specified, the corporation shall not for that reason be dissolved; but it shall be lawful to hold and make such election of directors, on any day within three months thereafter, by giving at least ten days' previous notice of the time and place of holding said election in the manner aforesaid; and the directors of the preceding year shall in that case continue in office, and be invested with all powers belonging to them as such, until others are elected in their stead: in case of the death or resignation of a director, or a failure to elect in case of a tie vote, the vacancy may be filled by the board of directors: at all general meetings or elections by the stockholders, each share of stock shall entitle the holder thereof to one vote, and each ballot shall have endorsed thereon the number of shares thereby represented; but no share or shares transferred within sixty days next preceding any election, or general meeting of the stockholders, shall entitle the holder or holders thereof to vote at any such election or general meeting; nor shall any proxy be received, or entitle the holder to vote, unless the same shall bear date, and have been duly executed within the three months next preceding such election or general meeting. *Elections, how conducted.*

SECTION 6. That the president and directors of such company, for the time being, are hereby authorized and empowered to exercise all the powers granted to the corporation; they shall meet at such times and places as shall be by them deemed most convenient for the transaction *Powers.*

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Quorum.

of their business, and when met, seven shall be a quorum to do business; the president, if present, shall preside at all meetings of the board, and when absent, the board shall appoint a president pro. tem.; they shall keep minutes of their proceedings fairly entered in a suitable book to be kept for that purpose; they shall choose a secretary and treasurer, and may appoint or employ all such officers, engineers, agents, superintendents, artificers, workmen or other persons, as in their opinions may be necessary or proper in the management of the affairs and business of said corporation, at such times, in such manner, and under such regulations as they may from time to time determine; they shall fix the amount of the salaries and wages of such officers and persons employed by them, and they may require bond, with security in such amounts as they may deem necessary, of each or any of said officers or other persons by them appointed or employed, for the faithful discharge of their duties, and generally to do all such other acts, matters and things as by this act and the by-laws and regulations of the said company, they may be authorized to do.

Certificates of stock.

SECTION 7. That the president and directors of such company first chosen, shall procure certificates or evidences of stock for all the shares of such company, and shall deliver one or more certificates or evidences, signed by the president, countersigned by the treasurer, and sealed with the common seal of the corporation, to each person or party entitled to receive the same, according to the number of shares by him, her, or them respectively subscribed or held; which certificates or evidences of stock shall be transferable at the pleasure of the holder, in a suitable book or books to be kept by the company for that purpose, in person or by attorney duly authorized, in the presence of the president or treasurer, subject, however, to all payments due or to become due thereon; and the assignee or party to whom the same shall have been so transferred, shall thereupon be a member of said corporation, and have and enjoy all the immunities, privileges and franchises, and be subject to all the liabilities, conditions and penalties incident thereto, in the same manner as the original subscriber would have been: *Provided*, That no certificate shall be transferred so long as the holder thereof is indebted to said company, unless the board of directors shall consent thereto: *And provided*, That no such transfer of stock shall have the effect of discharging any liabilities or penalties theretofore incurred by the owner thereof.

Proviso.

Capital stock.
Shares.
Installments.

SECTION 8. The capital stock of such company shall be divided into shares of fifty dollars each, and shall be called in and paid at such times and places, and in such proportions and instalments not, however, exceeding five dollars per share in any period of thirty days, as the directors shall require, of which public notice shall be given for at least two weeks next preceding the time or times appointed for that purpose, in the manner above mentioned; and if any stockholder shall neglect to pay such proportion or instalment so called for at the time and place appointed, he, she, or they shall be liable to pay, in addition to the proportion or instalment so called for, at the rate of one per cent. per month for the delay of such payment; and if the same and the additional penalty, or any part thereof, shall remain unpaid for the period of six months, he, she or they shall, at the discretion of the directors, forfeit to the use of the company, all right, title and interest in and to every and all share or shares, on account of which such default in payment may be made as aforesaid, or the directors may, at their option, cause suit to be brought before any competent tribunal, for the recovery of the amount due on such shares, together with the penalty of one per cent. per month as aforesaid; and in the event of a forfeiture, the share

Forfeiture.

or shares so forfeited, may be sold by the directors, under such rules by the by-laws. No stockholder nor at any general or special meeting shall be entitled to receive or shares any instalment or arrears next preceding said election or meeting of stock shall release or discharge or penalties incurred prior to the

SECTION 9. That the dividends of such company as shall appear advisable to the directors, at any time after the month of July and January in each year, shall be paid to the stockholders or their legal representatives, at the time of declaring the same; but it shall not exceed the amount of the net profits of the company, so that the capital stock shall not be reduced by such dividends. The said directors shall make any dividend of the company, the directors in their individual capacities, to the capital stock so divided, recorded, and each director present, shall be considered as consenting thereto, if he test on the minutes of the board, the holders of the declaring of such dividend.

SECTION 10. That the president and directors of such company shall have power and authority by and through their agents, attorneys and workmen, to fix, mark, and determine such road, and in like manner, by the appointed or employed as such company all land on which the said toll houses, engines and water, and all other buildings hereinbefore mentioned may be located, and to dig, excavate, construct, maintain and thereon to dig, excavate, construct the same; and such company, their officers, agents and workmen, with their implements and beasts, may use any lands adjoining or in the neighborhood of the said road, and to quarry, dig, cut, and use stone, gravel, clay, sand, earth, or any other material, or proper for the construction of buildings, which may be required for said railroad; *Provided*, That the

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or shares so forfeited, may be disposed of at the discretion of the president and directors, under such rules and regulations as may be prescribed by the by-laws. No stockholder shall be entitled to vote at any election, nor at any general or special meeting of the company, on whose share or shares any instalment or arrearages may be due more than thirty days next preceding said election or meeting: *Provided*, That no forfeiture of stock shall release or discharge the owner thereof from any liabilities or penalties incurred prior to the time of such forfeiture. *Proviso.*

SECTION 9. That the dividends of so much of the profits of such company as shall appear advisable to the directors, shall be declared in the months of July and January in each and every year, and be paid to the stockholders or their legal representatives, on application at the office of such company, at any time after the expiration of ten days from the time of declaring the same; but the said dividends shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be impaired thereby; and if the said directors shall make any dividend which shall impair the capital stock of the company, the directors consenting thereto shall be liable, in their individual capacities, to such company for the amount of the capital stock so divided, recoverable by action of debt as in other cases; and each director present when such dividend shall be declared, shall be considered as consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend. *Dividends.*

SECTION 10. That the president and directors of such company shall have power and authority by themselves, their engineers, superintendents, agents, arizans and workmen, to survey, ascertain, locate, fix, mark, and determine such route for a railroad as they may deem expedient, not however passing through any burying ground or place of public worship, or any dwelling house in the occupancy of the owner or owners thereof, without his, her, or their consent, and not except in the neighborhood of deep cuttings, or high embankments, or places selected for sidelings, turnouts, depots, engine or water stations, to exceed sixty feet in width, and thereon to lay down, erect, construct and establish a railroad, with one or more tracks, with such branches or lateral roads as may be specially authorized, and with such bridges, viaducts, turnouts, sidelings, or other devices as they may deem necessary or useful between the points named in the special act incorporating such company, commencing at or within, and extending to or into any town, city or village, named as the place of beginning or terminus of such road; and in like manner, by themselves, or other persons by them appointed or employed as aforesaid, to enter upon and into, and occupy all land on which the said railroad or depots, warehouses, offices, toll houses, engines and water stations, other buildings or appurtenances hereinbefore mentioned may be located, or which may be necessary or convenient for the erection of the same, or for any purpose necessary or useful in the construction, maintenance or repairs of said railroad, and therein and thereon to dig, excavate and embank, make grade, and lay down and construct the same; and it shall in like manner be lawful for such company, their officers, agents, engineers, contractors or workmen, with their implements and beasts of draught or burden, to enter upon any lands adjoining or in the neighborhood of their railroad, so to be constructed, and to quarry, dig, cut, take and carry away therefrom, any stone, gravel, clay, sand, earth, wood, or other suitable material necessary or proper for the construction of any bridges, viaduct or other buildings, which may be required for the use, maintenance or repairs of said railroad; *Provided*, That before such company shall enter upon *Proviso.* *Locate, fix, mark and determine route, &c.*

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OF THE S

Proviso.

Proviso.

Damages, how
ascertained and
adjusted.

or take possession of any such lands or materials, they shall make ample compensation to the owner or owners thereof, or tender adequate security therefor: *Provided further*, That the timber used in the construction or repair of said railroad, shall be obtained from the owner thereof only by agreement or purchase: *And provided further*, That whenever any company shall locate its road in and upon any street or alley, in any city or borough, ample compensation shall be made to the owners of lots fronting upon such street or alley, for any damages they may sustain, by reason of any excavation or embankment made in the construction of such road, to be ascertained as other damages are authorized to be ascertained by this act.

SECTION 11. That when the said company cannot agree with the owner or owners of any lands or materials, for the compensation proper for the damage done or likely to be done to, or sustained by any such owner or owners of such lands or materials, which such company may enter upon, use or take away, in pursuance of the authority hereinbefore given, or by reason of the absence or legal incapacity of any such owner or owners, no such compensation can be agreed upon, the court of common pleas of the proper county, on application thereto by petition, either by said company or owner or owners, or any one in behalf of either, shall appoint seven discreet and disinterested freeholders of said county, neither of whom shall be residents or owners of property upon or adjoining the line of such railroad, and appoint a time, not less than twenty nor more than thirty days thereafter, for said viewers to meet at or upon the premises where the damages are alleged to be sustained, of which time and place ten days' notice shall be given by the petitioner to the said viewers and the other party; and the said viewers or any five of them having been first duly sworn or affirmed, faithfully, justly and impartially to decide, and true report to make concerning all matters and things to be submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions of this act, and having viewed the premises, they shall estimate and determine the quantity, quality and value of said lands so taken or occupied, or to be so taken or occupied, or the materials so used or taken away, as the case may be, and having a due regard to and making just allowance for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said land or materials, in consequence of the making or opening of said railroad, and of the construction of works connected therewith; and after having made a fair and just comparison of said advantages and disadvantages, they shall estimate and determine whether any, and if any, what amount of damages has been or may be sustained, and to whom payable, and make report thereof to the said court; and if any damages be awarded, and the report be confirmed by the said court, judgment shall be entered thereon; and if the amount thereof be not paid within thirty days after the entry of such judgment, execution may then issue thereon as in other cases of debt, for the sum so awarded, and the costs and expenses incurred shall be defrayed by the said railroad company; and each of said viewers shall be entitled to one dollar and fifty cents per day for every day necessarily employed in the performance of the duties herein prescribed, to be paid by such railroad company.

SECTION 12. That whenever, in the construction of such road or roads, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of the said company, so to construct the said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; and that, for the accommodation of all persons owning,

or possessing land through which be the duty of such company to sufficient cause way or causeway to enable the occupant or over the same, with wagons, occasion may require; and the made, shall be maintained and and if the said company shall such causeway or causeways, in order, the said company shall thereby, all damages sustained neglect or refusal; such damage same manner as provided in the ages: *Provided*, That the said to make or cause to be made, plantation or lot of land, for owning or possessing land through where any public road shall or possessing land through which not be entitled to require the causeway or bridge for the accommodation.

SECTION 13. That if any such company shall change the site of any road, they shall cause the same to be proper expense, on the most favorable as the original road: *Provided*, That the location of any road authorized and paid by such company, in the regard to the location and construction

SECTION 14. That in all suits or service of process on the president or any director of the same, shall be prosecuted or action shall be prosecuted penalties incurred under this act commenced within two years next of action accrued; and the defense of the general issue, and give this and that the same was done, shall be a good defense.

SECTION 15. That if any person shall wilfully break, injure or destroy, any assembly, or any part thereof, or any part thereof, or any machinery erected, owned or used by such person or they so offending, shall be liable to the actual damage so sustained, full costs, before any tribunal having jurisdiction, and for the use of the same.

SECTION 16. That if any person shall maliciously remove or destroy any other works, belonging to such company, with evil intent, any obstruction on the safety or endanger the lives of such person or persons so offending, and shall on conviction be sentenced to the penitentiary, at the discretion of the court.

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or possessing land through which the said railroad may pass, it shall be the duty of such company to make or cause to be made, a good and sufficient cause way or causeways, whenever the same may be necessary to enable the occupant or occupants of said lands to cross or pass over the same, with wagons, carts and implements of husbandry, as occasion may require; and the said causeway or causeways, when so made, shall be maintained and kept in good repair by such company; and if the said company shall neglect or refuse, on request, to make such causeway or causeways, or when made, to keep the same in good order, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person in consequence of such neglect or refusal; such damages to be assessed and ascertained in the same manner as provided in the last section for the assessment of damages: *Provided*, That the said company shall, in no case, be required to make or cause to be made, more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said railroad may pass; and where any public road shall cross such railroad, the person owning or possessing land through which the said public road may pass, shall not be entitled to require the company to erect or keep in repair any causeway or bridge for the accommodation of the occupant of said land.

Causeways.

To be kept in good repair, &c.

Provided.

SECTION 13. That if any such railroad company shall find it necessary to change the site of any portion of any turnpike or public road, they shall cause the same to be re-constructed forthwith at their own proper expense, on the most favorable location, and in as perfect a manner as the original road: *Provided*, That the damages incurred in changing the location of any road authorized by this section, shall be ascertained and paid by such company, in the same manner as is provided for in regard to the location and construction of their own road.

Change of location.

Provided.

SECTION 14. That in all suits or actions against such company, the service of process on the president, secretary, treasurer, engineer, agent or any director of the same, shall be good and available in law; but no suit or action shall be prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within two years next after the offence committed or cause of action accrued; and the defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Service of process.

SECTION 15. That if any person or persons shall wilfully and knowingly break, injure or destroy, any railroad authorized by special act of assembly, or any part thereof, or any edifice, device, property or work, or any part thereof, or any machinery, engine, car, implement or utensil, erected, owned or used by such company, in pursuance of this act, he, she or they so offending, shall forfeit and pay to such company, three times the actual damage so sustained, to be sued for and recovered with full costs, before any tribunal having cognizance thereof, by action in the name and for the use of the company.

Penalty for committing injuries to works, &c.

SECTION 16. That if any person or persons shall wilfully and maliciously remove or destroy any part of the road, property, buildings or other works, belonging to such company, or place, designedly and with evil intent, any obstruction on the line of such railroad, so as to jeopard the safety or endanger the lives of persons traveling on or over the same, such person or persons so offending, shall be deemed guilty of a misdemeanor, and shall on conviction be imprisoned in the county jail or penitentiary, at the discretion of the court, for a term not more than

Penalty for misdemeanor.

LAWS OF PENNSYLVANIA,

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Proviso.

three years: *Provided*, That nothing herein contained shall prevent the company from pursuing any other appropriate remedy at law in such cases.

Statement of affairs, &c.

SECTION 17. That at each annual meeting of the stockholders of any such company, the president and managers of the preceding year shall exhibit to them a full and complete statement of the affairs and proceedings of the company for such year, with all such matters as shall be necessary to convey to the stockholders a full knowledge of the condition and affairs of said company; and the said president and directors of every such company, shall, whenever required, furnish to the legislature, or either branch thereof, a full and authentic report of their affairs and transactions, or such information relating thereto as may be demanded of them.

Public highways.

SECTION 18. That upon the completion of any railroad authorized as aforesaid, the same shall be esteemed a public highway for the conveyance of passengers, and the transportation of freight, subject to such rules and regulations, in relation to the same, and to the size and construction of wheels, cars, and carriages, the weight of loads, and all other matters and things connected with the use of said railroad, as the president and directors may prescribe and direct: *Provided*, That the said company shall have the exclusive control of the motive power, and may from time to time establish, demand and receive such rates of toll, or other compensation, for the use of such road and of said motive power, and for the conveyance of passengers, the transportation of merchandize and commodities, and the cars, or other vehicles containing the same, or otherwise passing over or on the said railroad, as to the president and directors shall seem reasonable: *Provided however nevertheless*, That said rates of toll and motive power charges so to be established, demanded or received, when the cars used for such conveyance or transportation, are owned or furnished by others, shall not exceed two and one half cents

Proviso.

per mile for each passenger, three cents per mile for each ton of two thousand pounds of freight, three cents per mile for each passenger or baggage car, and two cents per mile for each burden or freight car, every four wheels being computed a car; and in the transportation of passengers, no charge shall be made to exceed three cents per mile for through passengers, and three and a half cents per mile for way passengers.

Proviso.

Provided however nevertheless, That said rates of toll and motive power charges so to be established, demanded or received, when the cars used for such conveyance or transportation, are owned or furnished by others, shall not exceed two and one half cents

Toll.

per mile for each passenger, three cents per mile for each ton of two thousand pounds of freight, three cents per mile for each passenger or baggage car, and two cents per mile for each burden or freight car, every four wheels being computed a car; and in the transportation of passengers, no charge shall be made to exceed three cents per mile for through passengers, and three and a half cents per mile for way passengers.

Commencement and completion of road.

SECTION 19. That if any company incorporated as aforesaid, shall not commence the construction of their proposed railroad within three years, and complete and open the same for use, with at least one track, within the term prescribed by the special act authorizing the same, or if after completion, the said railroad shall be suffered to go into decay, and be impassable for the term of two years, then this charter shall be null and void, except so far as to compel the said company to make reparation for damages.

Reservation.

SECTION 20. That if any company incorporated as aforesaid, shall at any time misuse or abuse any of the privileges granted by this act, or by the special act of incorporation, the legislature may revoke all and singular the rights and privileges so granted to such company; and the legislature hereby reserves the power to resume, alter or amend any charter granted under this act, and take for public use any road constructed in pursuance of such charter: *Provided*, That in resuming, altering, or amending said charters, no injustice shall be done to the corporators;

Proviso.

and that in taking such road made to the stockholders.

APPROVED—The ninety hundred and forty-nine.

For the relief of Mungo Mu poor in Roxboro

SECTION 1. *Be it enacted* of the Commonwealth, and it is hereby a certain power of attorney Anno Domini one thousand Murray, of Lintrose Perth the daughters of 'Thom delphia, deceased, to do acknowledged according chief magistrate of the ratified under the public recorded, authorizing the of the real estate, lands Anne belonging, or in wated, be and the same is and validity within this said power; and all con thereof, of real estate w and effect to pass the e in her right in the prem cuted such power of at together with her husba of assembly, passed the dred and forty-eight, er Le Raysville Phalanx, hundred and forty-eight cure the rights of marriage extend the boundaries of

SECTION 2. That the of the poor of the tow delphia, or their success

OF THE SESSION OF 1840.

and that in taking such roads for public use, full compensation shall be made to the stockholders.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 77.

AN ACT

For the relief of Mungo Murray and wife, and to authorize the managers of the poor in Roxborough, to execute and deliver certain deeds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a certain power of attorney, dated the twenty-eighth day of October, Anno Domini one thousand eight hundred and forty-eight, by Mungo Murray, of Lintrose Perthshire, Scotland, and Anne, his wife, one of the daughters of Thomas Mayne Willing, late of the city of Philadelphia, deceased, to doctor Charles Willing, of the same city, duly acknowledged according to law on the same day, before the provost and chief magistrate of the royal burgh of Dundee, in Scotland, and so certified under the public seal of the said borough, and intended to be recorded, authorizing the said attorney to sell and convey all or any part of the real estate, lands, tenements and hereditaments, unto the said Anne belonging, or in which she may have an interest wherever situated, be and the same is hereby declared to be of the same legal effect and validity within this state, for all purposes declared and stated in the said power; and all conveyances made by the said attorney in virtue thereof, of real estate within this state, shall be of the same validity and effect to pass the estate of the said Anne and of the said Mungo, in her right in the premises so conveyed, as if the said Anne had executed such power of attorney, conveyance or conveyances personally, together with her husband, in conformity, in all respects, with an act of assembly, passed the eleventh day of April, one thousand eight hundred and forty-eight, entitled "A supplement to an act relative to the Le Raysville Phalanx, passed March, Anno Domini one thousand eight hundred and forty-eight, and relative to obligors and obligees, to secure the rights of married women, in relation to defalcation, and to extend the boundaries of the borough of Ligonier."

SECTION 2. That the present managers for the relief and employment of the poor of the township of Roxborough, in the county of Philadelphia, or their successors, be and they are hereby authorized and em-

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